

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JARROD BRENT DENNIS,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
MODIFY SENTENCE

Case No. 2:03-CR-677 TS

This matter is before the Court on Defendant's Motion to Modify Sentence. Defendant is currently in state custody as a result of violations of his state probation. A Petition and Order for Warrant for Offender Under Supervision has been issued by this Court and a federal detainer has been lodged against Defendant as a result of that Petition.

In his Motion, Defendant requests that (1) he be brought before the Court to resolve the allegations in the Petition and (2) he be given a concurrent sentence and have his supervised release terminated.

Defendant's first request is essentially a motion under Fed.R.Crim.P. 32.1. The rule provides that "[a] person held in custody for violating probation or supervised release must be

taken without unnecessary delay before a magistrate judge.”¹ Defendant, however, is not presently in federal custody on a charge of violating probation or supervised release. Rather, he is in state custody as a result of violations of his state probation. The fact that this Court has issued an arrest warrant for his alleged violations of his supervised release terms and that a detainer has been lodged against him does not alter this conclusion. Once Defendant is released from state custody he will be brought before the Court to respond to the allegations in the Petition.


Defendant’s second request, for a concurrent sentence and termination of his supervision, is premature because Defendant has yet to respond to the allegations in the Petition.

It is therefore

ORDERED that Defendant’s Motion to Modify Sentence (Docket No. 80) is DENIED.

DATED April 1, 2010.

BY THE COURT:



TED STEWART
United States District Judge

¹Fed.R.Crim.P. 32.1(a).